

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK
JUN 28 2011
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2011-0087-PR
)	DEPARTMENT B
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
DAVID GLEN MILLS,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause Nos. CR50324, CR50983

Honorable Howard Hantman, Judge

PETITION FOR REVIEW DISMISSED

David Glen Mills

Mesa
In Propria Persona

K E L L Y, Judge.

¶1 In 1996, petitioner David Mills pleaded guilty and was convicted of three counts of sexual exploitation of a minor under the age of eighteen. The trial court sentenced him to a partially aggravated prison term of eight years on one count and to consecutive, presumptive terms of five years on each of the remaining counts. Mills has previously sought and been denied post-conviction relief. *See, e.g., State v. Mills*, No. 2 CA-CR 2010-0102-PR, ¶ 2 & n.1 (memorandum decision filed June 29, 2010) (listing previous post-conviction relief proceedings).

¶2 In September 2010, Mills filed a notice of and petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., in which he argued the Arizona Department of Corrections had miscalculated his community-supervision release date, resulting in an “illegal extension of his sentence.” It does not appear the trial court has ruled upon Mills’s claim.

¶3 Mills has filed what he calls a petition for review and seems to be seeking review of an order the trial court entered on March 3, 2011, in response to a letter Mills’s brother, Daniel, had sent to the court. In his letter, Daniel had asked the court to release Mills from community supervision as a matter of compassion, and the court denied this request. There is nothing in the court’s order, however, that suggests it was a ruling on Mills’s Rule 32 petition.

¶4 Because the trial court has not yet rendered a decision on Mills’s petition for post-conviction relief, his petition for review is premature. There is nothing for this court to review. *See generally* Ariz. R. Crim. P. 32.9(c) (aggrieved party may petition for

review “after the final decision of the trial court on the petition for post-conviction relief”). Because there is no Rule 32 ruling before us, we dismiss Mills’s petition for review.

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Judge